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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,258	05/13/2005	Andreas Myka	617-011875-US (PAR)	5387
2512	7590	12/12/2007	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2617	
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			12/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/502,258

**Applicant(s)**

MYKA ET AL.

**Examiner**

sharad rampuria

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### *Disposition of the claims*

II. The current office-action is in response to the Amendment - After Non-Final Rejection filed on 09/25/2007.

Accordingly, Claims 10-15 is newly appended claims, thus, Claims 1-15 are imminent for further assessment as follows:

#### *Claim Rejections - 35 USC § 102*

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Glorikian** [US 6343317 B1].

As per claim 1, **Glorikian** teaches:

A system, (Abstract) comprising:

A first data storage (41; Fig.2) in a mobile terminal (29; Fig.2, Col.3; 54-63), the first data storage being adapted to store information, (Col.3; 54-63),

at least one remote data repository (server, 13; Col.8; 16-26, 38-45) connected to a telecommunications system for storing personal content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal, (e.g. In one embodiment the secondary position system simply determines the position of the user of appliance 71 within the exhibitors facility, and this information is passed to server 13 on the Internet. Server 13 is informed not only of this position, but of the fact that this is not a GPS position, and also the ID of the exhibition facility. In this embodiment the host of the service provided by server 13 maintains, with cooperation of the host of the exhibition facility, a database relating exhibits according to geographic and spatial position within the facility, and returns information to the appliance user relating to the various exhibits; Col.8; 16-26, 38-45)

a second data storage including external data, the system further comprising i) a first communicator adapted to retrieve from said remote data repository data including an object and/or information extracted from an object, ii) at least one predetermined criterion, defining a relationship between the retrieved data and said external data, iii) an analyzer, adapted to analyze whether said relationship fulfills a predetermined condition, and iv) a selector responsive to the analysis means, adapted to select data to be delivered to the mobile terminal when said condition is met, (e.g. In this embodiment of the invention a secondary communication link is opened

between Internet appliance 71 and a location system 73 provided by the host of the indoor exhibit. The purpose of this communication is to establish the position and dynamics of movement of a user of appliance 71 within the confines of the indoor exhibit, The skilled artisan will recognize that there are alternative ways this may be done; Col.7; 59-66, and also e.g. At step 87 the appliance determines if the service is to be for an indoor or an outdoor facility. This may be as simple as the presence or absence of a GPS signal received by the appliance's GPS system. In the event the service is indoor, the appliance will receive identifying and initializing input from the local position system. If the application is indoor, the identification will determine in step 89 whether the particular service is local position only, with Internet information, or both local position and information. For the local position and information system, control goes to step 91, and the local system determines position, and the position, and in some cases dynamic information derived from changes in position relative to time, is used to pull information and push it to the client. The process loops (95) continuing to tell position and pass information until such time as the user intervenes, or some basic parameter changes. Although this loop is shown as between steps 91 and 93, in reality the loop may be back to, for example, step 87 at least periodically, so, if the client exits the building, the system may switch to the outdoor service. If at step 89 the determination is that the service is local position but Internet information, the appliance determines local position at step 97 (communication with local position system) and passes the position data to the Internet service, which pulls info and pushes it to the client at step 99. Again, dynamic data may be determined and used as well, as previously described, and the system continues to loop (101) re-determining position and continuing to access and push

information. The loop may periodically revert at least to step 87 as well, as also previously described; Col.9; 18-43) and

A second communicator responsive to the selector means adapted to deliver the selected data to the mobile terminal. (e.g. where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9).

As per claim 2, **Glorikian** teaches a system according to claim 1, the system further comprising an accessor to an external network for retrieving said external data. (e.g. where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 3, **Glorikian** teaches a system according to claim 2, wherein said external network is the Internet. (e.g. where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 4, **Glorikian** teaches a system according to claim 1, wherein the external data is retrieved from an external network to which the data repository is operationally connected. (where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 5, **Glorikian** teaches a system according to claim 1, wherein items i), ii), iii) and iv) are located in a computer. (computer: Col.3; 31-38)

As per claim 6, **Glorikian** teaches:

A method (Abstract) comprising;

Storing information in the mobile terminal, (41; Fig.2)

connecting at least one remote data repository to the telecommunications system, storing therein information including personal content including data objects and/or information extracted from said objects, the remote data repository being provided with means for accessing the information from at least one terminal, assigning at least one of the repositories for the use of each mobile terminal, (e.g. server, 13; Col.8; 16-26, 38-45)

a storing external data, retrieving from said remote data repository data including an object and/or information extracted from an object, reading at least one predetermined criterion, defining a relationship between the retrieved data and the external data, analyzing whether said relationship fulfills a predetermined condition, in response to the analyzing step, selecting data to be delivered to the mobile terminal when said condition is met, and delivering the selected data to the mobile terminal. (e.g. Col.9; 18-43).

**Claims 7-9** is the **method** claims corresponding to **system** claims 2-4 respectively, and rejected under the same rational set forth in connection with the rejection of claims 2-4 respectively, above.

*Claims 10-12* is the **apparatus** claims corresponding to **system** claims 1-3 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1-3 respectively, above.

As per claim 13, **Glorikian** teaches:

An apparatus according to claim 10, wherein the apparatus further comprises retrieval means for retrieving the external data from an external network being operationally connected to the data repository. (e.g. server, 13; Col.8; 16-26, 38-45)

As per claim 14, **Glorikian** teaches:

A system according to claim 1, wherein external data retrieved from the second data storage is analyzed or handled and the results are stored in the at least one remote data repository. (e.g. server, 13; Col.8; 16-26, 38-45)

As per claim 15, **Glorikian** teaches:

A system according to claim 1, wherein rules for selecting the data to be delivered are generated automatically or manually. (e.g. server, 13; Col.8; 16-26, 38-45)

#### ***Response to Amendments & Remarks***

IV. Applicant's arguments with respect to claims 1-15 have been fully considered but are moot in view of the new ground(s) of rejection.



*Conclusion*

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870.

The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

[EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Patent Examiner  
Art Unit 2617